

SOIL CONSERVATION DIVISION[27]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 161C.2(4), the Division of Soil Conservation hereby amends Chapter 12, “Water Protection Practices—Water Protection Fund,” Iowa Administrative Code.

The amendments increase the maximum dollar amount for the cost-share provisions concerning water protection practices relating to woodlands, native grasses and forbs.

Notice of Intended Action on the amendments was published in the Iowa Administrative Bulletin on May 7, 2008, as **ARC 6774B**. Several comments were received. Changes have been made in the amendments to allow for better and more accountable utilization of the new online computer program used by the Division. Fencing cost limits were consolidated into new subrule 12.84(10). The dollar limit for each tree or shrub used in a windbreak was stricken in paragraph 12.84(1)“a”; instead, the total maximum cost was increased.

These amendments were adopted on June 26, 2008.

The Division finds pursuant to Iowa Code section 17A.5(2)“b”(2) that the normal effective date of these amendments should be waived and these amendments be made effective on June 26, 2008. The amendments confer a benefit to users by allowing better usage of the new computer program and by allowing the increased rates to be in effect for the new fiscal year.

These amendments do not contain a waiver but are subject to the Department’s general waiver provision.

These amendments are intended to implement Iowa Code chapter 161C.

These amendments became effective on June 26, 2008.

The following amendments are adopted.

ITEM 1. Amend subrule 12.81(2) as follows:

12.81(2) Forest management plan required. A forest management plan approved by the forestry ~~division~~ bureau of the department of natural resources is required for the practices of timber stand improvement, tree planting, site preparation for natural regeneration, and rescue treatments.

ITEM 2. Amend rule 27—12.84(161C) as follows:

27—12.84(161C) Cost-share rates. The following cost-share rates shall apply for eligible practices designated in rule 12.82(161C). The use of state cost-share funds alone or in combination with other public funds shall not exceed the limits established by these rules.

12.84(1) Windbreaks.

~~a. 75 percent of the actual cost, not to exceed \$15 per tree and \$2.25 per shrub, to establish or restore windbreaks.~~

~~b. —Actual cost, not to exceed \$8 per rod, for permanent fences, to protect planted area from grazing, excluding boundary and road fencing.~~

~~c. Total cost share for establishment, restoration, and fencing for windbreaks shall not exceed \$1200 per \$1500 for the total cost of the establishment or restoration of the windbreak.~~

12.84(2) Field windbreaks.

~~a. 75 percent of the actual cost, not to exceed \$365 \$450 per acre.~~

~~b. —Actual cost, not to exceed the lesser of \$8 per rod or \$45 per acre protected, for permanent fences, to protect planted area from grazing, excluding boundary and road fencing.~~

12.84(3) Timber stand improvement.

~~a. 75 percent of the actual cost, not to exceed \$75 \$120 per acre for prescribed woodland burning, thinning, pruning crop trees, or releasing seedlings or young trees.~~

~~b. —Actual cost, not to exceed the lesser of \$8 per rod or \$45 per acre protected, for permanent fences, to protect planted area from grazing, excluding boundary and road fencing.~~

12.84(4) Tree planting.

a. 75 percent of the actual cost, not to exceed ~~\$365~~ \$450 per acre, for tree planting including the following:

- (1) Establishing ground cover,
- (2) Trees and tree-planting operations,
- (3) Weed and pest control,
- (4) Mowing, disking, and spraying.

b. 75 percent of the actual cost, not to exceed ~~\$120~~ \$150 per acre for woody plant competition control.

~~c. — Actual cost, not to exceed the lesser of \$8 per rod or \$45 per acre protected, for permanent fences, to protect planted area from grazing, excluding boundary and road fencing.~~

12.84(5) Site preparation for natural regeneration.

~~a.~~ 75 percent of the actual cost, not to exceed \$120 per acre of site preparation.

~~b. — Actual cost, not to exceed the lesser of \$8 per rod or \$45 per acre protected, for permanent fences, to protect treated area from grazing, excluding boundary and road fencing.~~

12.84(6) Riparian forest buffer. 75 percent of the actual cost or estimated cost, whichever is less.

12.84(7) Rescue treatment.

a. 75 percent of the actual cost, not to exceed \$60 per acre to establish alternate cover for competition control.

b. A one-time payment of 75 percent of the actual cost, not to exceed \$15 per acre to control damaging rodent populations.

c. 75 percent of the actual cost, not to exceed ~~\$365~~ \$450 per acre, for plantation replanting including the following:

- (1) Establishing ground cover,
- (2) Trees and tree planting,
- (3) Weed control.

~~d. — \$2 per rod, not to exceed \$24 per acre, for temporary electric fencing to control deer browse damage.~~

12.84(8) Planned grazing systems. 75 percent of the actual cost or estimated cost, whichever is less. Does not include boundary fences or road fences. ~~Fencing limited to \$8 per rod.~~ Development of a water source is not eligible.

12.84(9) Conservation cover. 75 percent of the actual cost or estimated cost, whichever is less.

12.84(10) Fencing systems. Fencing systems used to implement or protect a conservation practice described in rule 27—12.82(161C) are eligible for the lesser of 75 percent of the actual cost or the estimated cost. The fencing costs cannot exceed \$14 per rod for permanent fencing or \$5 per rod for temporary electric fencing. Fences along roads or land boundaries are not eligible.

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